IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 3768 of 2005

Between:

1 K. Chellaiah Reuben, S/o Mr. K. Philip Reuben
Mahaboobnagar, R/o 2-2-139, Mission Compound,

Mahaboobnagar
2 A. Rajender John, S/o Mr. A. John,
R/o 7-4-42, Venkateswara Colony, Mahaboobnagar
3 D.J. Raju, S/o Mr. D.A. John
R/o 2-2-132/A, Mission Compound, Mahaboobnagar
4 K.A. David, S/o Mr. K.S. Abraham
r/o 1-3-58, near RTC, Quarters, Mahaboobnagar
5 M.K. Sunil Kumar, S/o Mr. K. Keshwa Raj
R/o 2-2-129, Mission Compound, Mahaboobnagar

..... PETITIONERS

AND

1 Additional Superintendent of Police, Mahaboobnagar,

Mahaboobnagar district
2 Sub- Inspector of Police, II-Town Police Station

Mahaboobnagar, Mahaboobnagar district
3 Calvari Mennonite Brethern Church, Mahaboobnagar rep by

Chairman and Pastor, Rev. S.Varaprasad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus a) declaring the respondents No. 1 and 2 to provide protection/Security to the writ petitioners and similarly placed families and to make arrangements to conduct morning worshiping service in the 3rd respondent Church between 8.00 am and 9.30 on all Sundays till the discrepancies are settled and peace is restored; b) Direct the 3rd respondent to permit the writ petitioners and their associates to conduct the morning worship service in the 3rd respondent church between 8.00 a.m. and 9.30 a.m on all Sundays i.e. 1 ½ hours a week, by declaring the action of the 3rd respondent Church in not permitting the petitioners and their associates to do so as bad, illegal, arbitrary and violative of Article 25 of the Constitution of India and pass such order or further orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioners:MR.P.V.SANJAY KUMAR

Counsel for the Respondents 1 and 2: GP FOR HOME

Counsel for Respondent No.3:Mr.Nuty Rama Mohan Rao

The Court at the stage of admission made the following :

O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ)

This writ petition has been filed seeking the following relief.

"To issue a writ, order or direction more particularly one in the nature of Writ of Mandamus

a. declaring respondent Nos.1 and 2 to provide protection/security to the writ petitioners and similarly

placed families and to make arrangements to conduct morning worship service in the 3rd respondent Church between 8.00 am and 9.30 am on all Sundays till the discrepancies are settled and peace is restored;

b. direct the 3rd respondent to permit the writ petitioners and their associates to conduct the morning worship service in the 3rd respondent church between 8.00 am and 9.30 am on all Sundays i.e.1 ½ hours a week, by declaring the action of the 3rd respondent Church in not permitting the petitioners and their associates to do so as bad, illegal, arbitrary and violative of Article 25 of the Constitution of India and pass such other order or further orders"

On the last occasion, learned counsel for the respondents submitted that if the petitioners decide to attend the Church on Sundays, they would be free to do so and there would not be any problems for them in attending the services on Sundays. Accordingly, an order was passed earlier. Learned counsel for the petitioners, however, submits that since the petitioners were scared, they did not attend any of the services. If such an attitude, it is not possible for this Court to direct the Police to be present in the Church on every Sunday, because the petitioners apprehend danger. In these circumstances, the writ petition has to fail and is accordingly dismissed. However, learned counsel for the respondents has assured this Court that if the petitioners want to attend the services, they will be free to do so. Learned counsel for the petitioners, however, wants liberty to approach appropriate Forum for redressal of his grievance. Liberty is granted. No order as to costs.

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(Bilal Nazki, ACJ)

8th June, 2005

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(G.Chandraiah,J)

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To

1 The Additional Superintendent of Police, Mahaboobnagar,

Mahaboobnagar District
2 The Sub- Inspector of Police, II-Town Police Station

Mahaboobnagar, Mahaboobnagar District
3 The Chairman and Pastor, Rev.S.Varaprasad, Calvari

Mennonite Brethern Church, Mahaboobnagar.

4 Two C.Cs to the Government Pleader for Home, High Court

Buildings, A.P., Hyderabad (OUT)

5 Two C.D copies.